

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

WINDWARD BORA, LLC,

Plaintiff,

-against-

JONATHAN VALENCIA, JESSICA X.
VALENCIA, ERICA VALENCIA, LONG ISLAND
JEWISH MEDICAL CENTER, WELLS FARGO
FINANCIAL NATIONAL BANK, and CAPITAL
ONE BANK (USA), N.A.,

Defendants.

ORDER
19-CV-4147 (NGG) (RER)

NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Windward Bora, LLC brings this action against Defendants Jonathan Valencia (“Jonathan”), Jessica X. Valencia (“Jessica”), Erica Valencia (“Erica”), Long Island Jewish Medical Center, Wells Fargo Financial National Bank, and Capital One Bank (USA), N.A., (collectively, “Defendants”), seeking foreclosure and sale of the property located at 214 North 5th Street, Bethpage, New York 11714. Following Defendants’ failure to answer or otherwise respond to the Complaint, the Clerk of Court entered default against them on September 9, 2019. (Entry of Default (Dkt. 22).) Now pending before the court is Plaintiff’s Motion for Default Judgment of Foreclosure and Sale, which the court referred to Magistrate Judge Ramon E. Reyes, Jr. for a report and recommendation (“R&R”). (See Mot. for Default J. (Dkt. 23); Oct. 15, 2019 Order Referring Mot.) Judge Reyes issued the annexed R&R on October 16, 2020, recommending that the court (1) deny Plaintiff’s Motion for Default Judgment in its entirety; (2) vacate the Clerk’s entry of default as to Jonathan, Jessica, and Erica for improper service; and (3) allow Plaintiff to properly serve Jonathan, Jessica, and Erica with the summons

and complaint within thirty days, and to thereafter file a subsequent motion for default judgment if warranted. (R&R (Dkt. 25) at 10.)

No party has objected to Judge Reyes's R&R, and the time to do so has passed. *See* Fed. R. of Civ. P. 72(b)(2). Therefore, the court reviews the R&R for clear error. *See Gesualdi v. Mack Excavation & Trailer Serv., Inc.*, No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); *La Torres v. Walker*, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000). Having found none, the court ADOPTS the R&R in full and, as recommended by Judge Reyes, (1) DENIES Plaintiff's Motion for Default Judgment of Foreclosure and Sale; (2) VACATES the Clerk's entry of default against Defendants Jonathan Valencia, Jessica X. Valencia, and Erica Valencia; and (3) DIRECTS Plaintiff to properly serve the summons and complaint on Jonathan Valencia, Jessica X. Valencia, and Erica Valencia within thirty days.

SO ORDERED.

Dated: Brooklyn, New York
November 3, 2020

/s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge